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January 11, 1999

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Our File 07330/008001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals TW-A325
445 12th Street, SW
Washington, DC 20554

BOSTON
NEW YORK
SILICON VALLEY
SOUTHERN CALIFORNIA
TWIN CITIES
WASHINGTON, DC

Re: Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices, ET Docket No. 98-42 - *Ex Parte* Communication

Dear Ms. Salas:

This letter will respond on behalf of Fusion Lighting, Inc. ("Fusion") to an *ex parte* letter submitted December 23, 1998, by Bluetooth Promoters ("Bluetooth") and others comprising a consortium of telecommunications equipment makers known as the Part 15 Interests.

In that letter, Bluetooth et al ask the Commission to adopt an in-band emission limit for ISM RF lighting of 20mV/meter at 3 meters (86dBuV/meter at 3 meters), saying that such a limit is necessary to "serve the needs" of Part 15 users in the 2.45 GHz ISM band. Earlier, on December 1, 1998, Bluetooth asked the Commission to adopt an in-band limit of 1mV/meter at 3 meters (60dBuV/meter at 3 meters) so as to ensure "compatibility" of RF lighting and Part 15 applications.

The size of this change in proposed RF power limits -- by a factor of 20 in just three weeks -- suggests that Bluetooth's assertions to the Commission were not candid in the first place and should not be taken at face value now. Further, at the same moment that Bluetooth tells the Commission that its "needs" require radical action by the Commission, it categorically dismisses and disavows all regulatory concerns in its website presentation to prospective customers, stating "Bluetooth technology...works in the globally available spectrum" and that Version 1.0 of the Bluetooth specification will not be published until Spring 1999. What, exactly, is the "need" of a technology that already works globally? And how can one evaluate and measure any such need in unspecified equipment?

Before it asked the Commission to radically restrict and possibly stop Fusion's continuing and rightful activity in the ISM band, one might have expected Bluetooth to have presented a powerful, detailed and objective case for the technical and policy urgency of that unprecedented step; especially so when the object of its

request was to cleanse valuable spectrum and deliver it cost-free to parties having no historical legal or technical standing, a technology that admittedly works under existing regulations, and an equipment specification that has not yet been published. No such showing has been disclosed to Fusion, although Fusion repeatedly has requested, and still awaits, the opportunity to fully understand the true nature and spectrum implications of Bluetooth's technology.

Fusion also wishes to make clear that its reference to an 80dBuV/meter European lamp system is neither a data point for negotiation of in-band limits nor a commercially practical technology for RF lighting, any impression that may have been created to the contrary notwithstanding. That lamp system was assembled by a European customer of Fusion, using a costly and unreliable power supply of its own manufacture and measured in all probability by a test protocol not conforming to FCC standards. It was not cost-effective even to Europeans, who, due to higher electricity costs, tend to accept higher prices for electrically-efficient lighting systems more readily than do North Americans. It has not been sold in any significant quantity since the fall of 1997 and the company which devised it has dropped out of the lighting business. Fusion's best knowledge is that lamp systems most recently sold in Europe operate near or at the CISPR 15 limit of 100dBuV/meter at 10 meters.

Fusion has developed and continues to develop products that are more robust, more optically- and electrically-efficient, and more cost-effective, in order to bring the benefits of its technology to a large market. In point of fact, however, as Bluetooth et al have reason to know, the principal engineering options to increase optical and electrical efficiencies and to reduce hardware costs in RF lighting frequently increase rather than decrease radiated power in-band. That said, we remain hopeful that a full and candid presentation of its technology and spectrum requirements by Bluetooth can enable Fusion to accommodate Bluetooth with acceptable cost to and dislocation of Fusion, and without forcing the Commission to address extremely difficult and sensitive issues.

Please accept this letter and the copy enclosed as a written *ex parte* communication pursuant to Section 1.1206(a) of the Commission's Rules.

Very truly yours,

Terry G. Mahn

Enclosure/Originals & Copy
cc: Service List

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